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**FEB 05 2008**

**OFFICE OF PETITIONS**

In re Application of	:	DECISION ON REQUEST
Adachi et al.	:	FOR RECONSIDERATION
Application No. 10/658,190	:	OF
Filed: September 10, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. 9683/259	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)," filed November 27, 2007. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from seven hundred fourteen (714) days to seven hundred sixty (760) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **seven hundred sixty (760)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On August 28, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 714 days. On November 27, 2007, applicants timely submitted the instant application for patent term adjustment<sup>1</sup>. Applicants dispute the reduction of 50 days associated with the filing of a response after non-final Office action received July 2, 2007. Applicants point out that the original Office action was re-mailed and the period for response

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<sup>1</sup> PALM records indicate that the Issue Payment was also filed on November 27, 2007.

restarted on March 28, 2007. Further, although their response was filed outside of three months of the mailing date of the re-mailed Office action, the period of reduction under 37 CFR 1.704(b) is 4 days, not 50 days.

Applicants state that the application is not subject to a terminal disclaimer.

In this instance, applicants are correct that any delay should be calculated based on the date of the Restarted Response Period and not based on the date of the mailing of the original Office action. As their response was received outside of three months of the Letter Restarting Period for Response (the re-mailed Office action) by 4 days, the applicant delay within the meaning of \$1.704(b) has been corrected to 4 days.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 760 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Thursday

Date: 1/31/2008

**PALM INTRANET**

Time: 11:30:30

**PTA Calculations for Application: 10/658190**

Application Filing Date:	09/10/2003	PTO Delay (PTO):	764
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	50
Post-Issue Petitions:	0	Total PTA (days):	760
PTO Delay Adjustment:	46		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
54	01/31/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	50		
53	01/31/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		4	
46	08/28/2007	MAIL NOTICE OF ALLOWANCE			
45	08/28/2007	MAIL EXAMINER'S AMENDMENT			
44	08/25/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	08/21/2007	DOCUMENT VERIFICATION			
42	08/21/2007	ISSUE REVISION COMPLETED			
41	08/17/2007	EXAMINER'S AMENDMENT COMMUNICATION			
40	08/17/2007	NOTICE OF ALLOWABILITY			
39	07/11/2007	DATE FORWARDED TO EXAMINER			
38	07/02/2007	RESPONSE AFTER NON-FINAL ACTION		50	34
37	03/28/2007	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
36	03/26/2007	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
35	03/20/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
34	02/13/2007	MAIL NON-FINAL REJECTION			
33	02/09/2007	NON-FINAL REJECTION			
32	01/26/2007	DATE FORWARDED TO EXAMINER			
31	01/22/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
30	01/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	12/14/2006	MAIL RESTRICTION REQUIREMENT	764		-1
28	12/11/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
27	12/10/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

26	12/09/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	03/17/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
24	09/20/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	10/28/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	10/10/2006	CASE DOCKETED TO EXAMINER IN GAU			
21	06/12/2006	CORRESPONDENCE ADDRESS CHANGE			
20	06/12/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
19	04/04/2006	CASE DOCKETED TO EXAMINER IN GAU			
18	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
17.7	10/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	10/28/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	09/20/2005	REFERENCE CAPTURE ON IDS			
15.7	09/20/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/20/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	09/22/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	09/22/2005	CASE DOCKETED TO EXAMINER IN GAU			
12	09/10/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11.7	03/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	03/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10.7	12/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	12/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9.7	12/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	12/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	12/12/2003	APPLICATION RETURN FROM OIPE			
7	12/12/2003	APPLICATION RETURN TO OIPE			

6	12/11/2003	APPLICATION DISPATCHED FROM OIPE			
5	12/12/2003	APPLICATION IS NOW COMPLETE			
4	11/23/2003	CASE CLASSIFIED BY OIPE			
3	11/23/2003	CLEARED BY OIPE CSR			
2	10/12/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/10/2003	INITIAL EXAM TEAM NN			

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### EXPLANATION OF PTA CALCULATION

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